

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
SPORT-BLX, INC.,	:	
	:	
Plaintiff,	:	
	:	22 Civ. 8111 (LGS)
-against-	:	
	:	<u>ORDER</u>
MICHAEL M SALERNO, et al.,	:	
Defendants.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

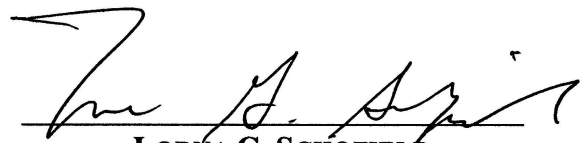
WHEREAS, on September 22, 2022, Defendants Michael M. Salerno, Northeast Professional Planning Group, Inc. and Cypress Holdings, III, L.P., filed a notice of removal (the “Notice”) of this action from the Supreme Court of the State of New York, New York County;

WHEREAS, “where the basis of removal is diversity then diversity of citizenship must exist at time action was filed in state court as well as at time of removal.” *United Food & Com. Workers Union, Loc. 919, AFL-CIO v. CenterMark Props. Meriden Square, Inc.*, 30 F.3d 298, 301 (2d Cir. 1994); *accord Chapman v. Crane Co.*, 694 F. App’x 825, 828 (2d Cir. 2017) (summary order);

WHEREAS, the Notice failed to allege the citizenship of any party at both the time of removal and the time the original action was filed in state court. It is hereby

ORDERED that, by **October 7, 2022**, Defendants shall file an amended notice of removal that sufficiently alleges the requirements of removal jurisdiction on the basis of diversity of citizenship, or a letter stating why the case should not be remanded to state court.

Dated: September 28, 2022
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE